

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LUIS ALBERTO RIOS,

Petitioner,

v.

No. 13-cv-0445 JCH/SMV

**PADDY DOWNEY and
GARY KING,**

Respondents.

**ORDER TO SUBSTITUTE PARTY, TO MAIL CERTAIN
DOCUMENTS, AND REQUIRING ANSWER**

This matter is before the Court sua sponte under rules 1(b) and 4 of the Rules Governing Section 2254 Cases, and on Petitioner's Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2254 by a Person in State Custody [Doc. 1]. The Petition states that Petitioner is confined at Lea County Correctional Facility but names the warden of Lea County Detention Center as the Respondent. *See* <http://www.leacounty.net/detentioncontactus.htm>. According to the Corrections Department website, <http://corrections.state.nm.us/>, Petitioner is housed at Lea County Correctional Facility, where James Janecka is the warden. The Court having determined that the Petition may not otherwise be subject to summary dismissal,

THEREFORE ORDERS the Clerk substitute James Janecka, Warden, for Paddy Downey as the named Respondent and to forward copies of this Order and the petition to Respondent and the New Mexico Attorney General; and

FURTHER ORDERS Respondent to answer the Petition within thirty (30) days from the date of entry of this Order. Respondent's answer shall advise, but is not limited to, whether

Petitioner has exhausted his state court remedies as to the issues raised in the federal petition. In each case, Respondent shall attach to its answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondent shall also attach to the answer copies of all state court findings and conclusions, docketing statements and opinions issued in Petitioner's state court post-conviction or appellate proceedings. In the event Respondent denies exhaustion, Respondent shall identify the State procedures currently available to Petitioner given the nature of Petitioner's claims and their procedural history.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR
United States Magistrate Judge